IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO : 24296 of 2004

Between:

Ram Mahadev, S/o Late Ramulu,
R/o Adivi Srirampur Village of Mutharam (Manthani) Mandal,

Karimnagar District.

..... PETITIONER

AND

1 Joint Collector, Karimnagar District at Collectorate, Karimnagar.
2 The Revenue Divisional Officer, Manthani Revenue Division,
Manthani, Karimnagar.
3 Smt. Maddela Venkatamma, W/o Rajesham
R/o Addivi Sri Rampur Village of Mutharam (Manthani) Mandal,
Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction one particularly in the nature of Certiorari, while declaring the impugned orders of second respondent vide case No. A/13/2004 dt. 12-2-2004 and inaction of the first respondent thereon, by calling the records thereof, as illegal arbitrary, discriminatory, and violative of fundamental rights vis a vis the provisions of R.O.R. and principles of natural justice, consequently to quash the impugned orders as without jurisdiction

Counsel for the Petitioner: MR.M.PRAVEEN KUMAR

Counsel for the Respondent Nos.1 & 2: GP FOR REVENUE

Counsel for the Respondent No.3 : Mr A. Suryanarayana (Caveator)

The Court made the following :

ORDER:

This writ petition is filed seeking a declaration that the order passed by the 2nd respondent vide his proceeding dated 12-2-2004 in Case No. A/13/2004 is arbitrary and illegal.

The contention of the writ petitioner is that he is the absolute owner and possessor of agricultural lands in Sy.No.514/A admeasuring Ac 3-24 guntas situated at Advi Sri Rampur village of Mutharam (Manthani) Mandal, Karimnagar District. Having purchased the same from its original pattedar Sri Salauddin Basith, long ago, the petitioner developed the said land by digging well and is cultivating personally without any objection or claim from any corner. While so, the 3rd respondent-Maddela Venkatamma sent a petition to the 1st respondent- Joint Collector, Karimnagar District, alleging that when her husband was in a drunken mood, the petitioner got a simple sale deed written for an extent of Ac 1.00 guntas in 2001 for an amount of Rs.16,500/-. The 1st respondent entrusted the matter to the 2nd respondent. The 2nd respondent-Revenue Divisional Officer, Mutharam (Manthani) after issuing a notice, considered the matter under Section 9 of the A.P. Rights in land PPB Act 1971. It is the further case of the petitioner that without considering the documents of the petitioner, the 2nd respondent completed the enquiry in a hurry manner and found that the husband of the 3rd respondent was a drunkard and when he refused to sell the remaining land, the respondent got a simple sale deed prepared with an anterior date and obtained 13-B certificate by playing malpractice. Accordingly, the 2nd respondent cancelled the 13-B certificate in file No.B/261/89 issued by the M.R.O., Mutharam(MNT), with a direction to him to take further action for making necessary corrections in the revenue records. Aggrieved by the said order, the writ petitioner has already preferred a revision before the 1st respondent along with a petition seeking suspension of the impugned order dated 12-2-2004. But, the 1st respondent has not passed any orders on the said petition and the same is pending. Therefore, the present writ petition.

Heard both sides.

Admittedly, the revision filed by the writ petitioner is pending before the 1st respondent and the 1st respondent has not disposed of the petition filed for

suspension of the impugned order therein.

Since there is an effective alternative remedy of revision available to the writ petitioner and he had already availed the same by filing a revision which is pending before the Revisional authority, without expressing any opinion on the merits of the case, the 1st respondent is directed to dispose of the petition filed seeking suspension of the impugned order by the revision petitioner on merits, if not already disposed of, within a period of two weeks from the date of receipt of a copy of this order.

Writ petition is accordingly disposed of. No costs.

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C.V. RAMULU, J

Dt. 2.2.2005

Kvrk

To

1. The Joint Collector, Karimnagar District at Collectorate, Karimnagar.
2. The Revenue Divisional Officer, Manthani Revenue Division, Manthani, Karimnagar.

3. Two CCs to GP for Revenue, High Court Buildings, Hyderabad(OUT)

4. Two CD copies.